

B104 (FORM 104) (08/07)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS Larry G. Cain		DEFENDANTS HeartPlace, P.A.
ATTORNEYS (Firm Name, Address, and Telephone No.) Steven H. Phelps, P.L.L.C. 10,000 N. Central Expwy, Ste. 850 Dallas, Texas 75231 (214) 373-0880		ATTORNEYS (If Known)
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee		PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Complaint for actual and punitive damages, injunctive and declaratory relief, legal fees and expenses filed by the Plaintiff for Defendant's violation of automatic stay in a Chapter 7 Bankruptcy. 11 U.S.C. § 362		
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>FRBP 7001(1) – Recovery of Money/Property</p> <p><input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property</p> <p><input type="checkbox"/> 12-Recovery of money/property - §547 preference</p> <p><input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer</p> <p><input type="checkbox"/> 14-Recovery of money/property - other</p> <p>FRBP 7001(2) – Validity, Priority or Extent of Lien</p> <p><input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property</p> <p>FRBP 7001(3) – Approval of Sale of Property</p> <p><input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)</p> <p>FRBP 7001(4) – Objection/Revocation of Discharge</p> <p><input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)</p> <p>FRBP 7001(5) – Revocation of Confirmation</p> <p><input type="checkbox"/> 51-Revocation of confirmation</p> <p>FRBP 7001(6) – Dischargeability</p> <p><input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims</p> <p><input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud</p> <p><input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny</p> <p style="text-align: center;">(continued next column)</p> </div> <div style="width: 48%;"> <p>FRBP 7001(6) – Dischargeability (continued)</p> <p><input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support</p> <p><input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury</p> <p><input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan</p> <p><input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support)</p> <p><input type="checkbox"/> 65-Dischargeability - other</p> <p>FRBP 7001(7) – Injunctive Relief</p> <p><input type="checkbox"/> 71-Injunctive relief – imposition of stay</p> <p><input checked="" type="checkbox"/> 72-Injunctive relief – other</p> <p>FRBP 7001(8) Subordination of Claim or Interest</p> <p><input type="checkbox"/> 81-Subordination of claim or interest</p> <p>FRBP 7001(9) Declaratory Judgment</p> <p><input type="checkbox"/> 91-Declaratory judgment</p> <p>FRBP 7001(10) Determination of Removed Action</p> <p><input type="checkbox"/> 01-Determination of removed claim or cause</p> <p>Other</p> <p><input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i></p> <p><input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)</p> </div> </div>		
<input type="checkbox"/> Check if this case involves a substantive issue of state law		<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23
<input type="checkbox"/> Check if a jury trial is demanded in complaint		Demand \$11,000
Other Relief Sought Actual and punitive damages, injunctive and declaratory relief		

B104 (FORM 104) (08/07), Page 2

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Larry G. Cain		BANKRUPTCY CASE NO. 10-35631
DISTRICT IN WHICH CASE IS PENDING Northern District of Texas	DIVISION OFFICE Dallas	NAME OF JUDGE Honorable Barbara J. Houser
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) /s/ Steven H. Phelps		
DATE November 3, 2010	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Steven H. Phelps	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

Steven H. Phelps
Steven H. Phelps, P.L.L.C.
10,000 N. Central Expwy., Ste. 850
Dallas, Texas 75231
(214) 373-0880 (Telephone)
(214) 373-3239 (Facsimile)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHISN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:	§	CASE NO. 10-35631
LARRY G. CAIN	§	CHAPTER 7 BANKRUPTCY
Debtor	§	
<hr/>		
LARRY G. CAIN	§	
Plaintiff	§	
VS.	§	ADVERSARY NO. _____
	§	
HEARTPLACE, P.A.	§	
Defendant	§	

**CORE ADVERSARY PROCEEDING COMPLAINT FOR CIVIL CONTEMPT
DAMAGES**

TO THE HONORABLE JUDGE OF SAID COURT

COMES NOW, Plaintiff **LARRY G. CAIN** (“Mr. Cain” or “Plaintiff”) and complains
of **HEARTPLACE, P.A.** Defendant, and respectfully shows the following:

I. INTRODUCTION

This is an action for actual damages, punitive damages, and legal fees and expenses filed
by the Plaintiff for the Defendant’s violation of the Automatic Stay.

II. JURISDICTION AND VENUE

1. This Court has jurisdiction to consider the claims in this Complaint for Contempt and Damages for Injunctive and Declaratory relief to 28 U.S.C. § 1331 and 1337(a), 28 U.S.C. §§ 2201-2202. The Court has the authority to enter a final order regarding this contested matter because it constitutes a core proceeding as contemplated by 28 U.S.C. § 157 (b) (2) (A), (E), (G), (I), (J) and (O). Pursuant to sections 1408, 1409, and 1391 (b) of Title 28 of the United States Code, venue is proper in district/division.

III. PARTIES

2. The Plaintiff is a natural person and the debtor in this case.
3. The Defendant is a domestic corporation which may be served by sending certified mail to Defendant's Registered Office at 16980 Dallas Parkway, Suite 200, Dallas, Texas 75248.

IV. FACTUAL ALLEGATIONS

4. On August 11, 2010 Mr. Cain commenced the above case by filing a voluntary petition under Chapter 7 Bankruptcy pursuant to U.S.C. § 301, and the Order for Relief was effective on the same day, pursuant to 11 U.S.C. § 301. The Debtor filed Schedules on or about the same day, which detailed the claim asserted by the Defendant. The claim was listed on Schedule "F" as a general unsecured claim.
5. The Defendant asserted pre-petition claim against Mr. Cain in an attempt to collect a debt allegedly owed by them. The debt required Mr. Cain to pay money arising out of transactions in which money, property or services were the subject and the same were primarily personal, family, or household purposes. The account was identified by a prior statement from the Defendant, as account number 174XXX.

6. On or about August 11, 2010, Mr. Cain filed a mailing matrix with the Court that provided the correct correspondence address of P.O. Box 842464, Dallas Texas 75284.
7. On or about August 11, 2010 the Clerk of the Bankruptcy Court for the Northern District of Texas, mailed out the “Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors and Deadlines” to all creditors, including the Defendant, and other parties based on the mailing matrix previously filed with the Court. This mailing constituted formal notice to the Defendant of the above Chapter 7 Bankruptcy. This notice warned all creditors, including the Defendant in conspicuous language, against violating the automatic stay pursuant to 11 U.S.C. § 362. The United States Postal Service did not return the notice sent to the Defendant. The notice was not returned. If the United States Postal Service has not returned the notice, there is a presumption that the Defendant received notice mailed to it by the Clerk of the Bankruptcy Court for the Northern District of Texas, Dallas Division.
8. At no time has Defendant objected to or disputed the details of the claim in the August 11, 2010 schedules. At no time during the Chapter 7 case did Mr. Cain reaffirm the debt. At no time during the Chapter 7 case was the Defendant’s pre-petition claim declared to be non-dischargeable.
9. The Defendant knew and in fact had actual knowledge that the Plaintiff was the debtor in a bankruptcy case, that an automatic stay was in effect during the bankruptcy and was therefore protected from any direct or indirect collection actions whatsoever by virtue of the injunction provided in 11 U.S.C. § 362.
10. Notwithstanding such knowledge, Defendant willfully failed to cease communication with Mr. Cain in regards to collecting the debt.

11. On or around September 2, 2010, Mr. Cain called my office to notify us that Defendant sent him a monthly statement, showing a past due balance. My office contacted Defendant, spoke to a representative at Defendant's office and verbally gave her notice that Mr. Cain had filed a Chapter 7 Bankruptcy. My office provided Mr. Cain's case number, date of filing and confirmed the mailing address and was given a fax number. On same said day, my office faxed a letter to Defendant stating that I represented Mr. Cain in the filing of his Chapter 7 Bankruptcy and to cease communication with Mr. Cain immediately. My office also faxed a copy of the Chapter 7 Voluntary Petition from the filing of Mr. Cain's Chapter 7 Bankruptcy in the Northern District of Texas, Dallas Division. A copy of the letter, petition and fax confirmation receipt is attached as Exhibit "A."
12. On or around September 30, 2010, Mr. Cain came by my office to drop off another monthly statement that Defendant had sent to Mr. Cain on or around September 25, 2010. On same said date, my office drafted and sent a certified demand letter to Defendant which included a timeline of Defendant's actions violating Mr. Cain's automatic stay and our response to Defendant in regards to the violation. My office included the original Letter of Representation faxed on or around September 2, 2010, Mr. Cain's Chapter 7 Voluntary Petition of Bankruptcy in the Northern District of Texas, Dallas Division, the fax confirmation sheet from September 2, 2010, a page from Mr. Cain's Creditor Matrix that was filed with the Court with Defendant's name and address circled, copies of the receipts of Mr. Cain's filing and the statement sent to Mr. Cain on or around September 25, 2010. On or around October 2, 2010, Defendant's office signed a United States Postal Service certified mail receipt card evidencing delivery of the letter. Copies of these documents are attached as Exhibit "B," Exhibit "C" and "D" respectively.

13. On or around October 4, 2010, my office received the returned signed United States Postal Service certified mail receipt card.
14. Notwithstanding such knowledge, of the filing of Mr. Cain's Chapter 7 Bankruptcy, and after numerous attempts made by my office to inform Defendant of Mr. Cain's bankruptcy filing and violation of the automatic stay, Defendant willfully failed to cease communication with Mr. Cain in regards to collecting the debt.
15. On or around October 29, 2010, Mr. Cain received another monthly statement from Defendant. Upon receiving the statement, Mr. Cain again called my office to notify us that he had received another monthly statement from Defendant, even after numerous attempts to have Defendant's actions to collect the debt stopped. A copy of the statement is attached as Exhibit "E."
16. The Defendant was aware that its collection activities would and did damage Mr. Cain and his ability to enjoy life and his fresh start guarantee by the bankruptcy code.

V. DAMAGES

17. 11 U.S.C. § 362 and § 542 and the lawful injunctions pursuant 11 U.S.C. § 105 requires that one injured by a willful violation of the order and injunction of the Bankruptcy Court be awarded actual damages. These damages include not only reimbursement for financial injury, but compensation for non-financial injury as well and further may be awarded punitive damages under the appropriate circumstances.
18. The conduct of the Defendant has substantially frustrated the automatic stay and discharge injunction in this case and has cost Plaintiff unnecessary time, effort and expense in seeking to enforce it.
19. As a result of the actions and inaction of the Defendant, Plaintiff has been deprived of the part of his fresh start and cannot look forward to a clear field for future endeavors.

20. Damages should be awarded in this case not only to compensate for the losses or injury presumed and sustained by the Plaintiff, but also to coerce the Defendant into compliance with the orders issued by the Bankruptcy Court and other bankruptcy courts in which Defendant may come into contact.
21. Neither cost-benefit analysis nor proportionality is allowed determining the element of damages awarded, with the exception of punitive damages sought.
22. An award of damages to cover the value of any loss, any out-of pocket expenses or cost incurred, including the value of the personal time of Mr. Cain in having to deal with the conduct or actions of the Defendant and in having to participate in this adversary proceeding is required.
23. Damages for emotional and psychological stress that the Defendant's violations of the Court's orders and injunctions caused the Plaintiff are recoverable, because actual damages include non-financial harm to the Plaintiff as well as those of financial distress.
24. Plaintiff's emotional distress is significant in that it is not and was not fleeting, inconsequential or trivial from Plaintiff's perspective. This is evident from the fact that the filing of the Chapter 7 Bankruptcy was the Plaintiff's attempt to alleviate the otherwise insurmountable social and economic problems he faced, as well as the dignity he held for himself. A failing in the effectiveness of the bankruptcy that was promised to him returns the emotional distress that the Plaintiff originally intended to halt.
25. This emotional distress is distinct from the pressure and anxiety inherent to filing a Chapter 7 Bankruptcy, in that the bankruptcy process was intended to relieve the pressure of the Plaintiff from having to deal with the actions and conduct of Defendant and therefore the actions and conduct of the Defendant cannot be deemed inherent in the bankruptcy process.

26. Due to Defendant's conduct, Plaintiff was forced to hire counsel and his damages include reasonable attorney's fees incurred in prosecuting this claim.

27. Since Defendant continues to send Mr. Cain's monthly statements regarding a debt that was included in Mr. Cain's bankruptcy, the damages are ongoing in nature; Defendant is liable for any and all future harm suffered by Plaintiff as a result of Defendant's conduct.

VI. GROUNDS FOR RELIEF

28. Mr. Cain repeats, re-alleges, and incorporates by reference paragraphs 4 through 27. At all times material to this proceeding, the Defendant had actual knowledge of Mr. Cain's Chapter 7 Bankruptcy filing and automatic stay.

29. Defendant failed to cease its debt collection activity when it became aware that Plaintiff filed for bankruptcy protection. Even after numerous attempts to halt Defendant's collection activity by my office, Defendant intentionally continued to pursue Mr. Cain in regards to the debt.

30. The Defendant's aforesaid actions were willful acts and constitute efforts to collect a debt after the automatic stay was in effect in violation of the automatic stay and injunction 11 U.S.C. § 362. The Defendant's failure to comply with the aforesaid laws, in light of notices from the Court and from my office, illustrates Defendant's contempt for federal law and the automatic stay.

31. The actions of the Defendant constitute a gross violation of the automatic stay in this case.

32. The facts and background stated above demonstrate that Defendant willfully violated the order and injunction of the Court as they concern the Chapter 7 Bankruptcy filing by Mr. Cain. With the prima facie showing, the duty is on the Defendant to show, as the only defense, a present inability to comply with the order of injunction of the Court goes beyond a mere assertion of inability. Failing a showing of a present inability to comply with the order and injunction of the

Court by Defendant, Larry G. Cain must prevail and Defendant must be held liable for willfully violating the order and injunction of the Bankruptcy Court in regard to the bankruptcy filed by Mr. Cain. Any defense put forth by Defendant in this adversary proceeding can only constitute a good faith exception, as no other reasonable explanation can be made for the conduct and actions of Defendant. Any allegation of a good faith exception should not be allowed.

33. Defendant failed to achieve substantial and diligent compliance of the automatic stay injunction which applied to Defendant in Mr. Cain's Chapter 7 bankruptcy.

34. No exceptions exist under 11 U.S.C. § 362 or other provisions of the United States Bankruptcy Code or other applicable laws that allow for the conduct of the Defendant in regards to the automatic stay, as stated above.

35. The order(s) and injunction(s) of the Bankruptcy Court cannot be waived, except by the virtue of a properly filed and approved reaffirmation agreement, motion, stipulation or complaint. None of the aforementioned has been approved by the Court, and no waiver of the order(s) or injunction(s) of the Court occurred in the above entitled and numbered Chapter 7 bankruptcy as pertains to the rights and remedies of the Defendant.

36. Also, there is no requirement of mitigation on the part of Mr. Cain that is relevant to violations of the order and injunction of the Court. Any attempt to burden Mr. Cain with policing the misconduct of Defendant would be a complete derogation of the law. It is well settled that each party to an injunction or order and for shouldering the cost of compliance. Any such defense would constitute a collateral attack on the injunction and order of the Bankruptcy Court in this proceeding, which is prohibited. Any defense put forward by Defendant in this adversary proceeding can only constitute a claim of mitigation, as no other reasonable explanation can be

made for conduct and action of Defendant. No allegation of a mitigation as a defense should be allowed.

37. This Court has the power to hold the Defendant in contempt and issue sanctions by virtue of the Court's inherent authority to enforce its own orders, and the statutory authority set forth in 11 U.S.C. § 105 (a). Plaintiff request the Court holds the Defendant in contempt to enforce and to protect the integrity of its automatic stay.

38. Plaintiff has been injured and damaged by the Defendant's actions and is entitled to recover judgment against the Defendant for actual damages in amount not less than \$5,000.00 and punitive damages in an amount not less than \$5,000.00 plus an award and costs of reasonable attorneys fees, for violation of 11 U.S.C. § 362, and pursuant to the Court's powers under 11 U.S.C. § 105.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Mr. Cain, prays that the Court will:

- A. Find the Defendant violated the provisions of the automatic stay;
- B. Find the violations by the Defendant were "willful" as that term has been defined and intentional;
- C. Sanction and award against the Defendant all actual damages for all financial and non-financial harm or injury incurred by Mr. Cain, including attorneys' fees, costs and expense.
- D. Find the Defendant in contempt for violating the automatic stay;
- E. Sanction and award to Mr. Cain damages necessary to coerce the Defendant into compliance with the Court's orders, as well as the orders of other bankruptcy courts in which the Defendant may come into contact;

F. Grant such further relief, in equity or in law to which Mr. Cain may show himself is
justly entitled.

Respectfully submitted,

STEVEN H. PHELPS, PLLC



Steven H. Phelps
Texas Bar No. 00784759
10000 N. Central Expwy., Suite 850
Dallas, Texas 75231
Tel. (214)373-0880
Fax (214)373-3239
Attorney for Plaintiff Larry G. Cain

STEVEN H. PHELPS, P.L.L.C.

ATTORNEYS AND COUNSELORS

10,000 NORTH CENTRAL EXPRESSWAY
SUITE 850, L.B. 76
DALLAS, TEXAS 75231-1075
(214) 373-0880

September 2, 2010

The Heartplace
PO Box 842464
Dallas, TX 75284

RE: Larry Gene Cain
The Heartplace Account No. 174505

Ladies and Gentlemen:

This letter is to inform you that the law firm of Steven H. Phelps, P.L.L.C. has been retained to represent Larry Cain with respect to the debt you are attempting to collect. This representation is ongoing and will continue indefinitely until you receive written notice from this law firm or our client that the representation has terminated. Our client filed a Chapter 7 Bankruptcy in the Northern District of Texas on August 11, 2010, Case No. 10-35631. The address above is the address that the court sent notice to. Please make note of this in our clients file.

As the debtor's representative, we request that you immediately cease contact with our client.

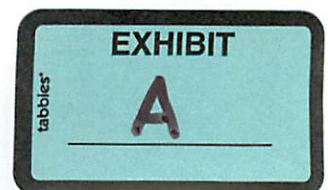
You may not contact the debtor directly. If you need further information, please fax your request to (214) 373-3239. Thank you and have a great day!

Very truly yours,

Steven H. Phelps, P.L.L.C.



Jen Rubio
Paralegal



B1 (Official Form 1) (4/10)

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF TEXAS DALLAS DIVISION		Voluntary Petition
Name of Debtor (if individual, enter Last, First, Middle): Cain, Larry G.		Name of Joint Debtor (Spouse) (Last, First, Middle): Grimmett-Cain, Danielle
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): aka Larry Gene Cain; aka Larry Cain; aka Larry G Cain; aka LarryG Cain		All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): None
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all): XXX-XX-1493		Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all): XXX-XX-0938
Street Address of Debtor (No. and Street, City, and State): 4867 Fallon Place Dallas, TX		Street Address of Joint Debtor (No. and Street, City, and State): 4867 Fallon Place Dallas, TX
ZIP CODE 75227		ZIP CODE 75227
County of Residence or of the Principal Place of Business: Dallas		County of Residence or of the Principal Place of Business: Dallas
Mailing Address of Debtor (if different from street address): 4867 Fallon Place Dallas, TX		Mailing Address of Joint Debtor (if different from street address): 4867 Fallon Place Dallas, TX
ZIP CODE 75227		ZIP CODE 75227
Location of Principal Assets of Business Debtor (if different from street address above): N/A		ZIP CODE
Type of Debtor (Form of Organization) (Check one box.) <input checked="" type="checkbox"/> Individual (includes Joint Debtors) See Exhibit D on page 2 of this form. <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (if debtor is not one of the above entities, check this box and state type of entity below.)	Nature of Business (Check one box.) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other Tax-Exempt Entity (Check box, if applicable.) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box.) <input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Nature of Debts (Check one box.) <input checked="" type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input type="checkbox"/> Debts are primarily business debts.
Filing Fee (Check one box.) <input checked="" type="checkbox"/> Full Filing Fee attached. <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.		Chapter 11 Debtors <input type="checkbox"/> Debtor is a small business debtor as defined by 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
Statistical/Administrative Information <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.		THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> Over 100,000		
Estimated Assets <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input checked="" type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion		
Estimated Liabilities <input type="checkbox"/> \$0 to \$50,000 <input checked="" type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion		

B1 (Official Form 1) (4/10)

Voluntary Petition (This page must be completed and filed in every case.)		Name of Debtor(s): Larry Cain Danielle Grimmett-Cain	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet.)			
Location Where Filed: None	Case Number:	Date Filed:	
Location Where Filed:	Case Number:	Date Filed:	
Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet.)			
Name of Debtor: None	Case Number:	Date Filed:	
District:	Relationship:	Judge:	
Exhibit A (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.) <input type="checkbox"/> Exhibit A is attached and made a part of this petition.		Exhibit B (To be completed if debtor is an individual whose debts are primarily consumer debts.) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. § 342(b). <div style="display: flex; justify-content: space-between;"> X <u>/s/ Steven H. Phelps</u> Steven H. Phelps <u>08/11/2010</u> Date </div>	
Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No.			
Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) <input checked="" type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: <input checked="" type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
Information Regarding the Debtor - Venue (Check any applicable box.) <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. <input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes.) <input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) <div style="text-align: center;"> _____ (Name of landlord that obtained judgment) </div> <div style="text-align: center;"> _____ (Address of landlord) </div> <input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and <input type="checkbox"/> Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. <input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(f)).			

B1 (Official Form 1) (4/10)

Voluntary Petition*(This page must be completed and filed in every case)*Name of Debtor(s): **Larry Cain
Danielle Grimmer-Cain****Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ Larry Cain
Larry Cain**X** /s/ Danielle Grimmer-Cain
Danielle Grimmer-Cain

Telephone Number (If not represented by attorney)

08/11/2010

Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.☐ Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.**X** _____
(Signature of Foreign Representative)_____
(Printed Name of Foreign Representative)_____
Date**Signature of Attorney*****X** /s/ Steven H. Phelps
Steven H. Phelps

Bar No. 00784759

Steven H. Phelps, P.L.L.C.
10,000 N. Central Expy., Ste. 850
Dallas, TX 75231Phone No. (214) 373-0880Fax No. (214) 373-323908/11/2010

Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
Signature of Authorized Individual_____
Printed Name of Authorized Individual_____
Title of Authorized Individual_____
Date**Signature of Non-Attorney Bankruptcy Petition Preparer**

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer_____
Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)_____
Address**X** __________
Date

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual.

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

09/02/2010 11:49 FAX 2143733239

STEVEN H. PHELPS PLLC

001

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 3301
RECIPIENT ADDRESS 9729342940
DESTINATION ID
ST. TIME 09/02 11:48
TIME USE 00'59
PAGES SENT 5
RESULT OK

STEVEN H. PHELPS, P.L.L.C.

ATTORNEYS AND COUNSELORS

10,000 NORTH CENTRAL EXPRESSWAY
SUITE 850, L.B. 76
DALLAS, TEXAS 75231-1075
(214) 373-0880

FACSIMILE COVER SHEET

TO: Office Manager

COMPANY: The Heartplace

FACSIMILE: (972) 934-2940

RE: Notice of Representation and Chapter 7 Bankruptcy Filing;
Larry Gene Cain Chapter 7 Case No. 10-35631;
The Heartplace Account No. 174505

FROM: Jen Rubio

DATE: September 2, 2010

PAGES: 5 (including cover sheet)

If there are any problems with this transmission, please contact Jen Rubio at (214) 373-0880.

The information contained in this facsimile is attorney-client privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this facsimile is not the intended recipient or employee or agent responsible for delivering this facsimile, you are notified that any unauthorized dissemination, distribution or

STEVEN H. PHELPS, P.L.L.C.

ATTORNEYS AND COUNSELORS

10,000 NORTH CENTRAL EXPRESSWAY
SUITE 850, L.B. 76
DALLAS, TEXAS 75231-1075
(214) 373-0880

September 30, 2010

Heartplace
PO Box 842464
Dallas, Texas 75284

Via Certified Mail
No. 7008 2810 0000 4391 8526

RE: Larry Cain; Chapter 7 Bankruptcy Case No. 10-35631.

To whom it may concern:

Please be advised that Steven H. Phelps, P.L.L.C. has been retained to represent Larry Cain with respect to the debt you are attempting to collect. This representation is ongoing and will continue indefinitely until you receive written notice from us or our client that the representation has terminated.

Mr. Cain filed a Chapter 7 Bankruptcy in the Northern District of Texas on Wednesday, August 11th, 2010. His case number is 10-35631.

As the debtor's representative, we request that you immediately cease and desist all communications with our client.

On or about August 11, 2010, the clerk for the Northern District of Texas, United States Bankruptcy Court mailed your office "Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors and Deadlines" to all creditors including your establishment. This mailing constituted formal notice of our client's bankruptcy filing. This notice warned all creditors, in conspicuous language, against violating the automatic stay pursuant to 11 U.S.C. § 362(a)(6). The United States Postal Service has not returned the notice. If the United States Postal Service has not returned the notice, there is presumption that your office received the notice mailed by the clerk. In addition, I contacted your office on September 2, 2010 to notify your company again that our client had filed a Chapter 7 Bankruptcy. I gave the receptionist the necessary information, including our client's case number, our contact information and asked that our client not be contacted again. In addition I sent a faxed copy with the above information, along with a copy of our clients Bankruptcy Petition.

Our client received another statement on or around September 30, 2010, in regards to the collection of this debt.



This is our final attempt to notify you of our client's Chapter 7 bankruptcy filing. Any further attempt to contact our client in regards to this debt will result in legal action for violating the automatic stay pursuant to 11 U.S.C. § 362(a)(6). I have attached the Original Petition, Creditor Matrix, 341 Meeting of Creditors Notice, faxed letter and confirmation of fax, most recent statement and the copy of our filing receipt.

We appreciate your cooperation in this matter. Please feel free to contact our office at the above number if you have any questions or need further assistance.

Sincerely,

Steven H. Phelps, P.L.L.C.

A handwritten signature in black ink, appearing to read "Jen Rubio". The signature is fluid and cursive, with the first name "Jen" being more prominent and the last name "Rubio" following in a similar style.

Jen Rubio
Paralegal

STEVEN H. PHELPS, P.L.L.C.

ATTORNEYS AND COUNSELORS

10,000 NORTH CENTRAL EXPRESSWAY
SUITE 850, L.B. 76
DALLAS, TEXAS 75231-1075
(214) 373-0880

September 2, 2010

The Heartplace
PO Box 842464
Dallas, TX 75284

RE: Larry Gene Cain
The Heartplace Account No. 174505

Ladies and Gentlemen:


This letter is to inform you that the law firm of Steven H. Phelps, P.L.L.C. has been retained to represent Larry Cain with respect to the debt you are attempting to collect. This representation is ongoing and will continue indefinitely until you receive written notice from this law firm or our client that the representation has terminated. Our client filed a Chapter 7 Bankruptcy in the Northern District of Texas on August 11, 2010, Case No. 10-35631. The address above is the address that the court sent notice to. Please make note of this in our clients file.

As the debtor's representative, we request that you immediately cease contact with our client.

You may not contact the debtor directly. If you need further information, please fax your request to (214) 373-3239. Thank you and have a great day!

Very truly yours,

Steven H. Phelps, P.L.L.C.

A handwritten signature in black ink, appearing to read "Jen Rubio", is written over a horizontal line.

Jen Rubio
Paralegal

B1 (Official Form 1) (4/10)

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF TEXAS DALLAS DIVISION		Voluntary Petition
Name of Debtor (if individual, enter Last, First, Middle): Cain, Larry G.		Name of Joint Debtor (Spouse) (Last, First, Middle): Grimmett-Cain, Danielle
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): aka Larry Gene Cain; aka Larry Cain; aka Larry G Cain; aka LarryG Cain		All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): None
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all): XXX-XX-1493		Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all): XXX-XX-0938
Street Address of Debtor (No. and Street, City, and State): 4867 Fallon Place Dallas, TX <div style="text-align: right;">ZIP CODE 75227</div>		Street Address of Joint Debtor (No. and Street, City, and State): 4867 Fallon Place Dallas, TX <div style="text-align: right;">ZIP CODE 75227</div>
County of Residence or of the Principal Place of Business: Dallas		County of Residence or of the Principal Place of Business: Dallas
Mailing Address of Debtor (if different from street address): 4867 Fallon Place Dallas, TX <div style="text-align: right;">ZIP CODE 75227</div>		Mailing Address of Joint Debtor (if different from street address): 4867 Fallon Place Dallas, TX <div style="text-align: right;">ZIP CODE 75227</div>
Location of Principal Assets of Business Debtor (if different from street address above): N/A		ZIP CODE
Type of Debtor (Form of Organization) (Check one box.) <input checked="" type="checkbox"/> Individual (includes Joint Debtors) See Exhibit D on page 2 of this form. <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (if debtor is not one of the above entities, check this box and state type of entity below.)	Nature of Business (Check one box.) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other Tax-Exempt Entity (Check box, if applicable.) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box.) <input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Nature of Debts (Check one box.) <input checked="" type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input type="checkbox"/> Debts are primarily business debts.
Filing Fee (Check one box.) <input checked="" type="checkbox"/> Full Filing Fee attached. <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1005(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.		Chapter 11 Debtors <input type="checkbox"/> Debtor is a small business debtor as defined by 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
Statistical/Administrative Information <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. Estimated Number of Creditors <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> Over 100,000 Estimated Assets <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input checked="" type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion Estimated Liabilities <input type="checkbox"/> \$0 to \$50,000 <input checked="" type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion		THIS SPACE IS FOR COURT USE ONLY

Computer software provided by LegalfPRO Systems, Inc., San Antonio, Texas (210) 561-5300, Copyright 1996-2010 (Build 9.0.66.1, ID 1978123133)

Voluntary Petition (This page must be completed and filed in every case.) Name of Debtor: Larry Cain Name of Debtor: Danielle Grinnett-Cain		All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet.) Location Where Filed: None Case Number: _____ Date Filed: _____ Location Where Filed: None Case Number: _____ Date Filed: _____	
Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet.) Name of Debtor: None Case Number: _____ Date Filed: _____ Relationship: _____ Judge: _____			
Exhibit A (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10C) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.) <input type="checkbox"/> Exhibit A is attached and made a part of this petition.		Exhibit B (To be completed if debtor is an individual whose debts are primarily consumer debts.) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that (he or she) may proceed under chapter 7, 11, 12, or 13 of the 11, United States Code, and have explained the rights available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. § 342(b). <input checked="" type="checkbox"/> /s/ Steven H. Phelps Steven H. Phelps Date 08/11/2010	
Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No.			
Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) <input checked="" type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition. <input checked="" type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
Information Regarding the Debtor - Venue (Check any applicable box.) <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. <input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding (in a federal or state court) in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes.) <input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) (Name of landlord that obtained judgment) _____ (Address of landlord) _____ <input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and <input type="checkbox"/> Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. <input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(f)).			

B1 (Official Form 1) (4/10)

B1 (Official Form 1) (4/10)

Voluntary Petition <i>(This page must be completed and filed in every case)</i>	Name of Debtor(s): Larry Cain Danielle Grimmatt-Cain
Signatures	
<p>Signature(s) of Debtor(s) (Individual/Joint)</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct.</p> <p><i>(If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7, I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.</i></p> <p><i>(If no attorney represents me and no bankruptcy petition preparer signs the petition) I have obtained and read the notice required by 11 U.S.C. § 342(b).</i></p> <p>I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X <u>/s/ Larry Cain</u> Larry Cain</p> <p>X <u>/s/ Danielle Grimmatt-Cain</u> Danielle Grimmatt-Cain</p> <p>Telephone Number (if not represented by attorney) <u>08/11/2010</u> Date</p>	<p>Signature of a Foreign Representative</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.</p> <p>(Check only one box.)</p> <p><input type="checkbox"/> I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.</p> <p><input type="checkbox"/> Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.</p> <p>X _____ (Signature of Foreign Representative)</p> <p>_____ (Printed Name of Foreign Representative)</p> <p>_____ Date</p>
<p style="text-align: center;">Signature of Attorney*</p> <p>X <u>/s/ Steven H. Phelps</u> Steven H. Phelps Bar No. 00784759</p> <p>Steven H. Phelps, P.L.L.C. 10,000 N. Central Expwy., Ste. 850 Dallas, TX 75231</p> <p>Phone No. (214) 373-0880 Fax No. (214) 373-3239</p> <p><u>08/11/2010</u> Date</p> <p><small>*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.</small></p>	<p style="text-align: center;">Signature of Non-Attorney Bankruptcy Petition Preparer</p> <p>I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.</p> <p>_____ Printed Name and title, if any, of Bankruptcy Petition Preparer</p> <p>_____ Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)</p> <p>_____ Address</p> <p>X _____ Date</p> <p>Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.</p> <p>Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual.</p> <p>If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.</p> <p><small>A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 159.</small></p>
<p style="text-align: center;">Signature of Debtor (Corporation/Partnership)</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.</p> <p>The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X _____ Signature of Authorized Individual</p> <p>_____ Printed Name of Authorized Individual</p> <p>_____ Title of Authorized Individual</p> <p>_____ Date</p>	

09/02/2010 11:49 FAX 2143733239

STEVEN H. PHELPS PLLC

001

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 3301
RECIPIENT ADDRESS 9729342940
DESTINATION ID
ST. TIME 09/02 11:48
TIME USE 00:59
PAGES SENT 5
RESULT OK

STEVEN H. PHELPS, P.L.L.C.

ATTORNEYS AND COUNSELORS

10,000 NORTH CENTRAL EXPRESSWAY
SUITE 850, L.B. 76
DALLAS, TEXAS 75231-1075
(214) 373-0880

FACSIMILE COVER SHEET

TO: Office Manager

COMPANY: The Heartplace

FACSIMILE: (972) 934-2940

RE: Notice of Representation and Chapter 7 Bankruptcy Filing;
Larry Gene Cain Chapter 7 Case No. 10-35631;
The Heartplace Account No. 174505

FROM: Jen Rubio

DATE: September 2, 2010

PAGES: 5 (including cover sheet)

If there are any problems with this transmission, please contact Jen Rubio at (214) 373-0880.

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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**IN RE: Larry Cain
Danielle Grimmert-Cain**

CASE NO

CHAPTER 7

VERIFICATION OF CREDITOR MATRIX

The above named Debtor hereby verifies that the attached list of creditors is true and correct to the best of his/her knowledge.

Date 08/11/2010

Signature /s/ Larry Cain
Larry Cain

Date 08/11/2010

Signature /s/ Danielle Grimmert-Cain
Danielle Grimmert-Cain

/s/ Steven H. Phelps
Steven H. Phelps
00784759
Steven H. Phelps, P.L.L.C.
10,000 N. Central Expwy., Ste. 850
Dallas, TX 75231
(214) 373-0880

GEMB/ JC Penney's
P.O. Box 981402
El Paso, TX 79998

Heartplace
PO Box 842464
Dallas, TX 75284

I C System Inc.
PO BOX 64378
SAINT PAUL, MN 55164

Kohls/Chase
PO BOX 3115
MILWAUKEE, WI 53201

NCO Financial Services
PO BOX 15391
WILMINGTON, DE 19850

Prime Mail Pharmacy
PO Box 650041
Dallas, TX 75265

Toyota Motor Credit
777 E.Campbell Rd. #200
Richardson, TX 75081

Universal Card/Citibank
PO BOX 44167
JACKSONVILLE, FL 32231



HEARTPLACE
PO BOX 842464
DALLAS, TX 75284-2464



1 / 1

Statement Date	09/25/10
Account Number	174505
Payment Due Date	10/10/10
Patient Amount Due	\$240.00

0000004084

Billing Questions? Call (972) 391-2000
or (888) 730-4277

Cain, Larry Gene
4867 FALLON PL
DALLAS, TX 75227-2935

STATEMENT - HEARTPLACE

Date	Provider	Description	Amount	Insurance Balance	Patient Balance	Visit Balance
03/03/09	BERBARIE MD, RAFIC F	ENCOUNTER 1860383 FOR LARRY WITH BERBARIE MD, RAFIC F				
03/03/09		93016 - Cv Stress; Phys Supervs Only	90.00		90.00	
03/03/09		93018 - Cv Stress; Interpt & Reprt Onl	150.00		150.00	
		ENCOUNTER TOTAL	240.00		240.00	240.00
		Payment Due Upon Receipt *****Patient balance represents your responsibility. Thank you for choosing HeartPlace!*****				

Our office hours are Monday thru Friday 8:00 am to 5:00 pm CENTRAL TIME.

Current	Over 30 Days	Over 60 Days	Over 90 Days	Total Balance	Patient Amount Due
\$0.00	\$0.00	\$0.00	\$240.00	\$240.00	\$240.00

PLEASE DETACH AT THE PERFORATION AND MAIL THIS PORTION WITH YOUR PAYMENT

☐ Please check box if address is incorrect or if insurance information has
changed and indicate change(s) on reverse.

CARD NUMBER	3 DIGIT CODE
AMOUNT PAID	
SIGNATURE	EXP. DATE
NAME	STATEMENT ID
Cain, Larry Gene	9338072
AMOUNT DUE	ACCOUNT NUMBER
\$ 240.00	174505
	PAYMENT DUE DATE
	10/10/10

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Statement ID: 9338072
Access Code: F25B2B

Please remit payments to:

HEARTPLACE
PO BOX 842464
DALLAS, TX 75284-2464

101010 0009338072 0174505 0024000 3

FOR CHANGE OF ADDRESS, MISSPELLINGS OR OTHER ERRORS, PLEASE PRINT CORRECTIONS.

Guarantor's Name			Phone # ()
Guarantor's Address	City	State	Zip Code

IF YOU HAVE NOT SUPPLIED INSURANCE INFORMATION, PLEASE DO SO HERE:

PRIMARY INSURANCE COVERAGE		Patient's Relationship to Insured SELF SPOUSE CHILD OTHER		SECONDARY INSURANCE COVERAGE		Patient's Relationship to Insured SELF SPOUSE CHILD OTHER	
Insurance Company Name		Phone # ()		Insurance Company Name		Phone # ()	
Insurance Company Address				Insurance Company Address			
Policyholders Name		Birthdate / /		Policyholders Name		Birthdate / /	
Policy & Group #		Policy Effective Date / /		Policy & Group #		Policy Effective Date / /	
Employer's Name		Phone # ()		Employer's Name		Phone # ()	
Employer's Address				Employer's Address			



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[Petition](#)
[Certificate of credit counseling for Debtor](#)
[Certificate of credit counseling for joint debtor](#)

[top](#)

U.S. Bankruptcy Court

Northern District of Texas

Notice of Bankruptcy Case Filing

The following transaction was received from Steven Harris Phelps entered on 8/11/2010 at 12:38 PM CDT and filed on 8/11/2010

Case Name: Larry G. Cain and Danielle Grimmatt-Cain

Case Number: 10-35631-7

Document Number: 1

Docket Text:

Chapter 7 Voluntary Petition (case upload) filed by Steven Harris Phelps on behalf of Larry G. Cain, Danielle Grimmatt-Cain. (Phelps, Steven)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:Petition.PDF

Electronic document Stamp:

[STAMP bkecfStamp_ID=1017686615 [Date=8/11/2010] [FileNumber=22651684-0] [3459d93cde92dca79f6762532875ebfe196f38dd8ea04cbf37be9e53e060e24b88aee79e08e60479b705f293902b3a516b1780648dd1739be16626d94b959470]]

10-35631-7 Notice will be electronically mailed to:

Steven Harris Phelps on behalf of Debtor Larry Cain
sphelps@phelpslawfirm.com

UST U.S. Trustee
ustpreion06.da.ecf@usdoj.gov, albert.loftus@usdoj.gov

10-35631-7 Notice will not be electronically mailed to:

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U.S. Bankruptcy Court

Northern District of Texas

Notice of Electronic Filing

The following transaction was received from Steven Harris Phelps entered on 8/11/2010 at 12:38 PM CDT and filed on 8/11/2010

Case Name: Larry G. Cain and Danielle Grimmatt-Cain

Case Number: 10-35631-7

Document Number: 2

Docket Text:

Certificate of credit counseling filed by Steven Harris Phelps on behalf of Larry G. Cain, Danielle Grimmatt-Cain. (Phelps, Steven)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:C:\fakepath\Certificate of Credit Counseling - HIS - 08.09.10.pdf

Electronic document Stamp:

[STAMP bkecfStamp_ID=1017686615 [Date=8/11/2010] [FileNumber=22651687-0] [0c8f22a2797449acac338b80092601243feb4f38867f0060ad2fcf2c74ec0752c2d2b805061225981d60037bcfd10e252d6f62c429acf90e848eac1e2f6fafc2]]

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sphelps@phelpslawfirm.com

UST U.S. Trustee
ustpreion06.da.ecf@usdoj.gov, albert.loftus@usdoj.gov

10-35631-7 Notice will not be electronically mailed to:

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U.S. Bankruptcy Court

Northern District of Texas

Notice of Electronic Filing

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Case Name: Larry G. Cain and Danielle Grimmatt-Cain

Case Number: 10-35631-7

Document Number: 3

Docket Text:

Certificate of credit counseling filed by Steven Harris Phelps on behalf of Larry G. Cain, Danielle Grimmatt-Cain. (Phelps, Steven)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:C:\fakepath\Certificate of Credit Counseling - HERS - 08.09.10.pdf

Electronic document Stamp:

[STAMP bkecfStamp_ID=1017686615 [Date=8/11/2010] [FileNumber=22651690-0] [b80b18dba0b7bb5e95b8eb230fe5eafc1c875adcb98fc4e977fe7a35ce6b365fe8965beebed50d5492af778637be0bcf78c0b0f8ba4a510cf148ea884183651c]]

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sphelps@phelpslawfirm.com

UST U.S. Trustee

ustpreion06.da.ecf@usdoj.gov, albert.loftus@usdoj.gov

10-35631-7 Notice will not be electronically mailed to:



HEARTPLACE
PO BOX 842464
DALLAS, TX 75284-2464



1 / 1

Statement Date	09/25/10
Account Number	174505
Payment Due Date	10/10/10
Patient Amount Due	\$240.00

0000004084

Billing Questions? Call (972) 391-2000
or (888) 730-4277

Cain, Larry Gene
4867 FALLON PL
DALLAS, TX 75227-2935

STATEMENT - HEARTPLACE

Date	Provider	Description	Amount	Insurance Balance	Patient Balance	Visit Balance
03/03/09	BERBARIE MD, RAFIC F	ENCOUNTER 1860383 FOR LARRY WITH BERBARIE MD, RAFIC F				
03/03/09		93016 - Cv Stress; Phys Supervs Only	90.00		90.00	
03/03/09		93018 - Cv Stress; Interpt & Reprt Onl	150.00		150.00	
		ENCOUNTER TOTAL	240.00		240.00	240.00
		Payment Due Upon Receipt				
		*****Patient balance represents your responsibility. Thank you for choosing HeartPlace!*****				

Our office hours are Monday thru Friday 8:00 am to 5:00 pm CENTRAL TIME.

Current	Over 30 Days	Over 60 Days	Over 90 Days	Total Balance	Patient Amount Due
\$0.00	\$0.00	\$0.00	\$240.00	\$240.00	\$240.00

PLEASE DETACH AT THE PERFORATION AND MAIL THIS PORTION WITH YOUR PAYMENT

☐ Please check box if address is incorrect or if insurance information has changed and indicate change(s) on reverse.

CARD NUMBER	3 DIGIT CODE
AMOUNT PAID	
SIGNATURE	EXP. DATE
NAME	STATEMENT ID
Cain, Larry Gene	9338072
AMOUNT DUE	ACCOUNT NUMBER
\$ 240.00	174505
	PAYMENT DUE DATE
	10/10/10

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<https://payments.realmed.com>

Statement ID: 9338072
Access Code: F25B2B

Please remit payments to:

HEARTPLACE
PO BOX 842464
DALLAS, TX 75284-2464

101010 0009338072 0174505

EXHIBIT

tabbles

C

FOR CHANGE OF ADDRESS, MISSPELLINGS OR OTHER ERRORS, PLEASE PRINT CORRECTIONS.

Guarantor's Name			Phone # ()
Guarantor's Address	City	State	Zip Code

IF YOU HAVE NOT SUPPLIED INSURANCE INFORMATION, PLEASE DO SO HERE:

PRIMARY INSURANCE COVERAGE		Patient's Relationship to Insured SELF SPOUSE CHILD OTHER		SECONDARY INSURANCE COVERAGE		Patient's Relationship to Insured SELF SPOUSE CHILD OTHER	
Insurance Company Name		Phone # ()		Insurance Company Name		Phone # ()	
Insurance Company Address				Insurance Company Address			
Policyholders Name		Birthdate / /		Policyholders Name		Birthdate / /	
Policy & Group #		Policy Effective Date / /		Policy & Group #		Policy Effective Date / /	
Employer's Name		Phone # ()		Employer's Name		Phone # ()	
Employer's Address				Employer's Address			



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:



Heartplace
PO Box 842464
Dallas TX 75284-2464

CAIN

2. Article Number

(Transfer from service label)

7008 2810 0000 4391 8526

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION OF DELIVERY

A. Signature

X *K. Frieson*☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

10/10/2011

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

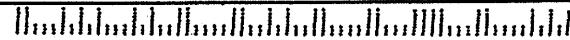
UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Jen Rubio
10,000 N. Central Expwy, #850
Dallas, TX 75231





HEARTPLACE
PO BOX 842464
DALLAS, TX 75284-2464



1 / 1

Statement Date	10/25/10
Account Number	174505
Payment Due Date	11/09/10
Patient Amount Due	\$240.00

0000002047



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Cain, Larry Gene
4867 FALLON PL
DALLAS, TX 75227-2935

STATEMENT - HEARTPLACE

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		ENCOUNTER TOTAL	240.00		240.00	240.00
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\$0.00	\$0.00	\$0.00	\$240.00	\$240.00	\$240.00

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☐ Please check box if address is incorrect or if insurance information has changed and indicate change(s) on reverse.

CARD NUMBER		3 DIGIT CODE	AMOUNT PAID
SIGNATURE		EXP DATE	
NAME Cain, Larry Gene		STATEMENT ID 9750315	
AMOUNT DUE \$ 240.00	ACCOUNT NUMBER 174505	PAYMENT DUE DATE 11/09/10	

Save a stamp! Pay your bill online, go to:
<https://payments.realmed.com>

Statement ID: 9750315
Access Code: FEF9A7

Please remit payments to:

HEARTPLACE
PO BOX 842464
DALLAS, TX 75284-2464

110910 0009750315 0174505



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Insurance Company Address				Insurance Company Address			
Policyholders Name		Birthdate / /		Policyholders Name		Birthdate / /	
Policy & Group #		Policy Effective Date / /		Policy & Group #		Policy Effective Date / /	
Employer's Name		Phone # ()		Employer's Name		Phone # ()	
Employer's Address				Employer's Address			